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In re Application of	:	DECISION ON
SASAKI, S. et al	:	
Application No.: 10/511,341	:	
PCT No.: PCT/EP03/04840	:	
Int. Filing Date: 16 April 2003	:	PETITION UNDER
Priority Date: 16 April 2002	:	
Attorney Docket No.: 4093-8	:	
For: ENDOCRINE CELL LINES AND METHOD OF	:	
USING THE SAME	:	37 CFR 1.182

This decision is in response to petitioner's "SUPPLEMENTAL SUBMISSION" filed on 16 March 2006, which is being treated as a petition under 37 CFR 1.182. The petition fee of \$400.00 has not been paid.

### **BACKGROUND**

On 15 October 2004, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicants, however, did not provide an executed oath or declaration as required under 35 U.S.C. 371(c)(4).

On 17 June 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, *inter alia*, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date." It also stated that items set forth above must be submitted within two months from date of mailing or by 32 months from the priority date, whichever is later. Failure to properly respond will result in abandonment.

On 25 August 2005, applicants submitted an executed declaration. In the declaration section pertaining to the fourth named inventor, the name Misako SUZUKI appears; this name did not appear in the international application. In addition, the declaration has been signed by "Misako SUZUKI."

On 08 November 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF A DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) because the declaration was in not compliance with 37 CFR 1.497(a) and (b). It stated that inventor #4 last name does not match IA, and no notification of a change in application.

On 16 March 2006, petitioner filed the instant petition, which included an affidavit in support of the name change of the inventor from Misako YOSHIZAWA to Misako SUZUKI.

### DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

With respect to item (1), the petition fee has not been provided. Item (1) has not been satisfied.

With respect to item (2), an affidavit has been provided signed under both names- Misako YOSHIZAWA (maiden name), and Misako SUZUKI(married named), and setting forth the procedure whereby the change of name was effected. Therefore, item (2) has been satisfied.

Applicants have not satisfied item (1) under MPEP § 605.04(c).

For the reasons above, the application may not enter into national stage processing at this time.

### CONCLUSION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182". Failure to respond will result in the ABANDONMENT of the application. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

  
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